

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: 650 FIFTH AVENUE AND
RELATED PROPERTIES

08 Civ. 10934 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

With respect to the probable cause hearing currently scheduled to commence on October 13, 2020, subject to further order of the Court of Appeals, the Court previously stated that it would “determine promptly whether live testimony from Mr. Hassani and Mr. Dabiran will be permitted at the hearing.” (See dkt. no. 2302 at 10.)

The Court concludes that in-person testimony from Mr. Hassani and Mr. Dabiran will not be necessary. As the Government points out, both Mr. Hassani and Mr. Dabiran joined the board of Alavi in 2005, and neither of them appears to possess actual knowledge concerning events at Alavi and the Partnership from before their tenures. (See dkt. no. 2319 at 2.) Thus, even if the Court determined that Mr. Hassani’s and/or Mr. Dabiran’s hypothetical in-person testimony was credible, that fact would be of little assistance to the Court in weighing the evidence necessary to make a probable cause determination. For example, neither Mr. Hassani’s nor Mr. Dabiran’s live testimony would, beyond what has already

been submitted in their supplemental declarations, rebut any contradictory evidence presented by the Government or evidence concerning events prior to 2005. Their presence is accordingly unnecessary at the probable cause hearing.

SO ORDERED.

Dated: New York, New York
September 30, 2020

A handwritten signature in cursive script, reading "Loretta A. Preska".

LORETTA A. PRESKA
Senior United States District Judge